

By: Seliger

S.B. No. 1601

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of chiropractors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.002, Occupations Code, is amended by amending Subsections (a) and (b) to read as follows:

(a) In this section:

(1) "Controlled substance" has the meaning assigned to that term by Section 481.002, Health and Safety Code.

(2) "Dangerous drug" has the meaning assigned to that term by Section 483.001, Health and Safety Code.

(2-a) "Diagnose" means to analyze, examine, or evaluate a condition or system of the human body.

(3) "Incisive or surgical procedure" includes making an incision into any tissue, cavity, or organ by any person or implement. The term does not include the use of a needle for:

(A) the purpose of drawing blood for diagnostic testing;

(B) acupuncture to the extent authorized by rules adopted by the board;

(C) electromyography for diagnostic testing, if the procedure is performed by a licensee who has been trained as required by rules adopted by the board and who is certified or accredited by a nationally-recognized organization approved by the board that provides such certification or accreditation; or

1 nationally-recognized organization approved by the board that
2 provides such certification or accreditation; or

3 (D) manipulation under anesthesia, if:

4 (i) the anesthesia is administered by a
5 physician whose education, training, and licensing authorize the
6 physician to administer that type of anesthesia;

7 (ii) the anesthesia is administered in a
8 facility in which it may be lawfully administered; and

9 (iii) the manipulation is performed by a
10 chiropractor whose education, training, and licensing authorize
11 the chiropractor to perform the type of manipulation performed.

12 (4) "Surgical procedure" includes a procedure
13 described in the surgery section of the common procedure coding
14 system as adopted by the Centers for Medicare and Medicaid Services
15 of the United States Department of Health and Human Services and in
16 effect on January 1, 2010.

17 (b) A person practices chiropractic under this chapter if
18 the person:

19 (1) uses objective or subjective means to diagnose
20 [~~analyze, examine, or evaluate~~] the biomechanical condition of the
21 spine and musculoskeletal system of the human body;

22 (2) performs nonsurgical, nonincisive procedures,
23 including adjustment and manipulation, to improve the subluxation
24 complex or the biomechanical condition of the spine or
25 [~~biomechanics of the~~] musculoskeletal system;

26 (3) represents to the public that the person is a
27 chiropractor; or

1 (4) uses the term "chiropractor," "chiropractic,"
2 "doctor of chiropractic," "D.C.," or any derivative of those terms
3 or initials in connection with the person's name.

4 SECTION 2. Subchapter J, Chapter 201, Occupations Code, is
5 amended by adding Section 201.454 to read as follows:

6 Sec. 201.454. PATIENT REFERRAL. A chiropractor who
7 determines, or in the exercise of reasonable care should determine,
8 that a condition of a patient is one for which chiropractic
9 treatment is contraindicated or otherwise inappropriate shall
10 inform the patient of the determination and, with the patient's
11 consent, refer the patient to an appropriate health care provider
12 considering the patient's condition.

13 SECTION 3. This Act takes effect September 1, 2011.